IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

DATATREASURY CORPORATION, Plaintiff, vs. WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC. CITY NATIONAL CORPORATION; CITY NATIONAL BANK; COMERICA INCORPORATED; COMERICA BANK & TRUST, NATIONAL ASSOCIATION; DEUTSCHE BANK TRUST COMPANY AMERICAS; FIRST CITIZENS BANCSHARES, INC.; FIRST CITIZENS	Case No. CV No.: 2-06CV-72 (DF) Hon. David Folsom JURY DEMAND

BANK & TRUST COMPANY; KEYCORP; KEYBANK NATIONAL ASSOCIATION; LASALLE BANK CORPORATION; LASALLE BANK NA; M&T BANK CORPORATION; M&T BANK; THE PNC FINANCIAL SERVICES GROUP, INC.; PNC BANK, NATIONAL ASSOCIATION UBS AMERICAS, INC.; SMALL VALUE PAYMENTS COMPANY, LLC; THE CLEARING HOUSE PAYMENTS COMPANY, LLC; MAGTEK, INC; FIRST DATA CORPORATION; TELECHECK SERVICES, INC. and REMITCO, LLC,

Defendants.

ANSWER TO COMPLAINT FOR PATENT INFRINGEMENT

Defendant MagTek, Inc. ("MagTek"), answers the Complaint for Patent Infringement of DataTreasury Corporation ("DataTreasury"), as follows:

ADMISSIONS AND DENIALS OF PLAINTIFF'S ALLEGATIONS

I. THE PARTIES

1. MagTek admits the allegations contained in paragraph 1 of the Complaint.

2. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint and therefore denies those allegations.

3. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint and therefore denies those allegations.

4. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint and therefore denies those allegations.

5. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint and therefore denies those allegations.

6. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint and therefore denies those allegations.

7. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint and therefore denies those allegations.

8. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint and therefore denies those allegations.

9. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint and therefore denies those allegations.

10. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and therefore denies those allegations.

11. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and therefore denies those allegations.

12. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and therefore denies those allegations.

13. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and therefore denies those allegations.

14. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and therefore denies those allegations.

15. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint and therefore denies those allegations.

16. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint and therefore denies those allegations.

17. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint and therefore denies those allegations.

18. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint and therefore denies those allegations.

19. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint and therefore denies those allegations.

20. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint and therefore denies those allegations.

21. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and therefore denies those allegations.

22. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and therefore denies those allegations.

23. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint and therefore denies those allegations.

24. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint and therefore denies those allegations.

25. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint and therefore denies those allegations.

26. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint and therefore denies those allegations.

27. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint and therefore denies those allegations.

28. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint and therefore denies those allegations.

29. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint and therefore denies those allegations.

30. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint and therefore denies those allegations.

31. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint and therefore denies those allegations.

32. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint and therefore denies those allegations.

33. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint and therefore denies those allegations.

34. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint and therefore denies those allegations.

35. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint and therefore denies those allegations.

36. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint and therefore denies those allegations.

37. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 37 of the Complaint and therefore denies those allegations.

38. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 38 of the Complaint and therefore denies those allegations.

39. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint and therefore denies those allegations.

40. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint and therefore denies those allegations.

41. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint and therefore denies those allegations.

42. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint and therefore denies those allegations.

43. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 43 of the Complaint and therefore denies those allegations.

44. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint and therefore denies those allegations.

45. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint and therefore denies those allegations.

46. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint and therefore denies those allegations.

47. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint and therefore denies those allegations.

48. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 48 of the Complaint and therefore denies those allegations.

49. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 49 of the Complaint and therefore denies those allegations.

50. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 50 of the Complaint and therefore denies those allegations.

51. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 51 of the Complaint and therefore denies those allegations.

52. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 52 of the Complaint and therefore denies those allegations.

53. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 53 of the Complaint and therefore denies those allegations.

54. MagTek admits that it is a California corporation, that it maintains a principal place of business at 20725 South Annalee Avenue, Carson, California 90746, and that it may be served through its registered agent, but is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 54 of the Complaint and therefore denies those allegations.

55. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 55 of the Complaint and therefore denies those allegations.

56. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 56 of the Complaint and therefore denies those allegations.

57. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 57 of the Complaint and therefore denies those allegations.

II. JURISDICTION AND VENUE

58. MagTek admits the allegations contained in paragraph 58 of the Complaint.

59. MagTek admits that it has sufficient minimum contacts with the forum for

purposes of general jurisdiction, but denies the remaining allegations of paragraph 59 of the Complaint.

60. MagTek admits that venue is proper in this Court, but denies the remaining allegations of paragraph 60 of the Complaint.

61. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 61 of the Complaint and therefore denies those allegations.

62. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint and therefore denies those allegations.

63. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint and therefore denies those allegations.

64. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 64 of the Complaint and therefore denies those allegations.

III. PATENT INFRINGEMENT

65. MagTek admits that United States Patent No. 5,910,988 ("the '988 patent") was issued on June 8, 1999, and lists Claudio Ballard as the named inventor, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 65 of the Complaint and therefore denies those allegations.

66. MagTek admits that United States Patent No. 6,032,137 ("the '137 patent") was issued on February 29, 2000, and lists Claudio Ballard as the named inventor, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 66 of the Complaint and therefore denies those allegations.

67. MagTek admits that United States Patent No. 5,265,007 ("the '007 patent") was issued on November 23, 1993, and lists John L. Barnhard, Jr., Thomas K. Bowen, Terry L. Geer,

and John W. Liebersbach as the named inventors, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 67 of the Complaint and therefore denies those allegations.

68. MagTek admits that United States Patent No. 5,583,759 ("the '759 patent") was issued on December 10, 1996, and lists Terry L. Geer as the named inventor, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 68 of the Complaint and therefore denies those allegations.

69. MagTek admits that United States Patent No. 5,717,868 ("the '868 patent") was issued on February 10, 1998, and lists David L. James as the named inventor, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 69 of the Complaint and therefore denies those allegations.

70. MagTek admits that United States Patent No. 5,930,778 ("the '778 patent") was issued on July 27, 1999, and lists Terry L. Geer as the named inventor, but MagTek is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 70 of the Complaint and therefore denies those allegations.

71. Denied.

IV. COUNT ONE - THE '988 DEFENDANTS

72. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 72 of the Complaint and therefore denies those allegations.

73. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 73 of the Complaint and therefore denies those allegations.

74. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 74 of the Complaint and therefore denies those allegations.

75. MagTek admits that it has been sued for allegedly infringing U.S. Patent No. 5,910,988, but is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 75 of the Complaint and therefore denies those allegations.

V. COUNT TWO - THE '137 DEFENDANTS

76. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 76 of the Complaint and therefore denies those allegations.

77. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 77 of the Complaint and therefore denies those allegations.

78. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 78 of the Complaint and therefore denies those allegations.

79. MagTek admits that it has been sued for allegedly infringing U.S. Patent No. 6,032,137, but is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 79 of the Complaint and therefore denies those allegations.

VI. COUNT THREE - THE '007 DEFENDANTS

80. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint and therefore denies those allegations.

81. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 81 of the Complaint and therefore denies those allegations.

82. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 82 of the Complaint and therefore denies those allegations.

VII. COUNT FOUR - THE '759 DEFENDANTS

83. Denied.

84. Denied.

85. Denied.

VIII. COUNT FIVE - THE '868 DEFENDANTS

86. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 86 of the Complaint and therefore denies those allegations.

87. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 87 of the Complaint and therefore denies those allegations.

88. MagTek is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint and therefore denies those allegations.

IX. COUNT SIX - THE '778 DEFENDANTS

89. Denied.

90. Denied.

91. Denied.

AFFIRMATIVE DEFENSES

92. MagTek asserts the following defenses to the Complaint. Assertion of a defense does not concede that MagTek has the burden of proving the matter asserted.

FIRST DEFENSE

(Noninfringement and Absence of Liability for Infringement)

93. MagTek and its products have not infringed, directly, contributorily or by inducement, and do not infringe directly, contributorily or by inducement, any valid claim of the '759 or '778 patents. MagTek is not liable in any respect for any infringement of the '759 or '778 patent by anyone.

SECOND DEFENSE

(Noninfringement)

94. Because of the prior state of the art, because of the language of the claims of the '759 and'778 patents, and because of the proceedings in the United States Patent and Trademark Office during the prosecution of the applications for the '759 and '778 patents, Plaintiff is estopped from maintaining that the claims cover any products of MagTek and, therefore, are estopped from maintaining that MagTek has directly infringed, contributed to the infringement of, or induced anyone to infringe any claims of the '759 or '778 patents.

THIRD DEFENSE

(Invalidity)

95. Each of the claims of the '759 and '778 patents is invalid and void for failing to comply with one or more of the requirements for patentability specified in Title 35, U.S. Code, §§ 102, 103 and 112.

FOURTH DEFENSE

(Unclean Hands)

96. As a result of the conduct alleged above with respect to DataTreasury's inequitable conduct and patent misuse, DataTreasury has unclean hands in connection with the

'759 and '778 patents and in connection with any assertion of infringement of these patents against MagTek.

FIFTH DEFENSE

(Failure to State a Claim)

97. The Complaint, in whole or in part, fails to state a claim for which relief can be granted.

SIXTH DEFENSE

(Waiver, Acquiescence, Estoppel and Laches)

98. DataTreasury's claims are barred, in whole or in part, by the equitable doctrines of waiver, acquiescence, estoppel, and laches, in that, without limitation, DataTreasury unreasonably delayed in bringing its claims.

COUNTERCLAIMS

99. Counterclaimant MagTek, Inc. ("MagTek"), asserts the following counterclaims against DataTreasury Corporation ("DataTreasury"), and alleges as follows:

JURISDICTION AND VENUE

100. MagTek's First and Second Counterclaims arise under 28 U.S.C. §§ 2201 and 2202 and seek declaratory relief and further relief based upon a declaratory judgment or decree. In these Counterclaims, MagTek seeks a judicial declaration as to noninfringement, invalidity and unenforceability of U.S. Patent Nos. 5,910,988 ("the '988 patent"), and 6,032,137 ("the '137 patent"). This Court has original jurisdiction over all counterclaims under 28 U.S.C. §§ 1331, 1338(a) and (b), and 1367.

101. Venue is proper in this district under 28 U.S.C. § 1391.

PARTIES

102. MagTek, Inc. is a California corporation that maintains its principal place of business at 20725 South Annalee Avenue, Carson, California 90746.

103. Based on the allegations of paragraph 1 of the Complaint, DataTreasury Corporation is a Delaware corporation that maintains its principal place of business at 101 East Park Blvd., #600, Plano Texas, 75074.

FIRST CLAIM FOR RELIEF

(Against DataTreasury for Declaration of Invalidity, Noninfringement, and Unenforceability of U.S. Patent No. 5,583,759)

104. MagTek repeats and incorporates herein the allegations of Paragraphs 1-103 of this Answer to the Complaint for Patent Infringement and Counterclaims.

105. An actual controversy exists between DataTreasury and MagTek. DataTreasury sued MagTek alleging infringement of the ‘759 patent. MagTek denies that its products infringe any valid, enforceable claim of the ‘759 patent, or that it has engaged in any acts which constitute direct infringement, contributory infringement, or inducement of infringement of any valid, enforceable claims of the ‘759 patent, and further denies that it has induced any acts of alleged infringement by its customers, or anyone else. MagTek contends that it, its customers, and the public are entitled to make, have made, use, offer to use, sell and import the accused infringing products without interference from DataTreasury.

106. The claims of the ‘759 patent are invalid and void for the reasons set forth in the Affirmative Defenses set forth above in this Answer to the Complaint for Patent Infringement and Counterclaims, the allegations of which are incorporated herein by reference.

107. The claims of the ‘759 patent are unenforceable for the reasons set forth in the Affirmative Defenses set forth above in this Answer to the Complaint for Patent Infringement and Counterclaims, the allegations of which are incorporated herein by reference.

108. On information and belief, DataTreasury has asserted the '759 patent against MagTek knowing that the '759 patent is invalid and unenforceable and having no reasonable basis for claiming infringement by MagTek or that MagTek has contributed to infringement or induced infringement of the '759 patent, making this an exceptional case within the meaning of 35 U.S.C. § 285.

109. On information and belief, unless enjoined, DataTreasury will continue to charge that MagTek, its customers, and everyone else who makes, has made, used, offered to use, sold or imported MagTek's products have infringed or is infringing the '759 patent and, unless enjoined, DataTreasury will continue to threaten, institute or prosecute litigation alleging such infringement. On information and belief, unless enjoined, the conduct of DataTreasury will irreparably harm MagTek and will interfere with the ability of MagTek to sell its products.

SECOND CLAIM FOR RELIEF

(Against DataTreasury For Declaration of Invalidity, Noninfringement, and Unenforceability of U.S. Patent No. 5,930,778)

110. MagTek repeats and incorporates herein the allegations of Paragraphs 1-109 of this Answer to Complaint for Patent Infringement and Counterclaims.

111. An actual controversy exists between DataTreasury and MagTek. DataTreasury sued MagTek alleging infringement of the '778 patent. MagTek denies that its products infringe any valid, enforceable claim of the '778 patent, or that it has engaged in any acts which constitute direct infringement, contributory infringement, or inducement of infringement of any valid, enforceable claims of the '778 patent, and further denies that it has induced any acts of alleged infringement by its customers, or anyone else. MagTek contends that it, its customers, and the public are entitled to make, have made, use, offer to use, sell and import the accused infringing products without interference from DataTreasury.

112. The claims of the '778 patent are invalid and void for the reasons set forth in the Affirmative Defenses set forth above in this Answer to the Complaint for Patent Infringement and Counterclaims, the allegations of which are incorporated herein by reference.

113. The claims of the '778 patent are unenforceable for the reasons set forth in the Affirmative Defenses set forth above in this Answer to the Complaint for Patent Infringement and Counterclaims, the allegations of which are incorporated herein by reference.

114. On information and belief, DataTreasury has asserted the '778 patent against MagTek knowing that the '778 patent is invalid and unenforceable and having no reasonable basis for claiming infringement by MagTek or that MagTek has contributed to infringement or induced infringement of the '778 patent, making this an exceptional case within the meaning of 35 U.S.C. § 285.

115. On information and belief, unless enjoined, DataTreasury will continue to charge that MagTek, its customers, and everyone else who makes, has made, used, offered to use, sold or imported MagTek's products have infringed or is infringing the '778 patent and, unless enjoined, DataTreasury will continue to threaten, institute or prosecute litigation alleging such infringement. On information and belief, unless enjoined, the conduct of DataTreasury will irreparably harm MagTek and will interfere with the ability of MagTek to sell its products.

THIRD CLAIM FOR RELIEF

(Against DataTreasury for Unfair Competition)

116. MagTek repeats and incorporates herein the allegations of Paragraphs 1-115 of this Answer to the Complaint for Patent Infringement and Counterclaims.

117. The acts of DataTreasury alleged above constitute unfair competition under the common law of California and under California Business and Professions Code § 17200, et seq.

118. On information and belief, unless enjoined, DataTreasury will continue to unfairly compete with MagTek by illegally asserting its patents and threatening suit against MagTek's manufacture and sale of check imaging devices regardless of how they are used, knowing that

the asserted '759 and '778 patents are invalid, unenforceable, and not infringed. Such accusations and threats of suit will illegally coerce MagTek's existing and prospective customers not to purchase MagTek's products. DataTreasury will thereby irreparably harm MagTek and interfere with its ability to sell its products.

119. MagTek is entitled to restitution by disgorgement of DataTreasury's illicit profits.

PRAYER FOR RELIEF

MagTek respectfully requests:

1. That Plaintiff takes nothing by its Complaint;

2. That the Court determine and declare that MagTek has not and does not infringe, contributorily infringe, or infringe by inducement any claim of the '759 or '778 patents and that the claims of these patents are invalid, void, and unenforceable;

3. That the Court preliminarily and permanently enjoin DataTreasury and its agents from instituting, prosecuting or threatening any action alleging that MagTek, any of MagTek's customers, or anyone else acting in concert with MagTek has or is infringing, contributorily infringing, or infringing by inducement any claim of the '759 or '778 patents by manufacturing, selling, offering for sale, or importing or using any of MagTek's products;

4. That the Court determine and declare that DataTreasury has engaged in acts of unfair competition;

5. That the Court award to MagTek the profits resulting from DataTreasury's acts of unfair competition;

6. That the Court award MagTek its costs of suit;

7. That the Court award MagTek its attorneys' fees and litigation expenses pursuant to 35 U.S.C. § 285 or on any other applicable basis; and

8. That MagTek receive any other appropriate relief.

DATED: April 11, 2006

Respectfully submitted,

By ______________________________

Otis Carroll -- Attorney in Charge
Texas Bar No. 03895700
Wesley Hill
Texas Bar No. 24032294
Ireland Carroll & Kelley, P.C.
6101 South Broadway
Tyler, Texas 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071
otiscarroll@icklaw.com
wesleyhill@icklaw.com

David A. Dillard
CA Bar No. 97515
Joel A. Kauth
CA Bar No. 186544
Christie, Parker & Hale, LLP
350 W. Colorado Boulevard
Suite 500
Pasadena, California 91105
Telephone: (626) 795-9900
Facsimile: (626) 577-8800
david.dillard@cph.com
joel.kauth@cph.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document entitled Answer to First Amended Complaint has been served upon the following parties in this action via the Court's ECF Filing System:

Edward Lewis Von Hohn
Harold W. Nix
Nix, Patterson & Roach, LLP
205 Linda Drive
Daingerfield, Texas 75638

Joe Kendall
Karl Rupp
Provost Umphrey, LLP
3232 McKinney Avenue, Suite 700
Dallas, Texas 75204

C. Cary Patterson
Anthony K. Bruster
Brady Paddock
R. Benjamin King
Nix, Patterson & Roach, LLP
2900 St. Michael Drive, Suite 500
Texarkana, Texas 75503

Rod Cooper
The Cooper Law Firm
545 E. John Carpenter Fwy., Suite 1460
Irving, Texas 75062

Eric M. Albritton
Albritton Law Firm
P.O. Box 2649
Longview, Texas 75606

T. John Ward, Jr.
Law Offices of T. John Ward, Jr., PC
P.O. Box 1231
Longview, Texas 75606

/s/

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